

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN SENATE APRIL 19, 2016

SENATE BILL

No. 1347

Introduced by Senator Nielsen
(Coauthors: Senators Gaines, Morrell, and Stone)
(Coauthors: Assembly Members Gallagher and Wilk)

February 19, 2016

An act to amend Section ~~4214~~ of 51283 of the Government Code, and to add Section 10247 to the Public Resources Code, relating to ~~fire prevention~~; the Soil Conservation Fund.

LEGISLATIVE COUNSEL'S DIGEST

SB 1347, as amended, Nielsen. ~~Fire prevention fee; administration.~~ Soil Conservation Fund.

Existing law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, and authorizes a city or county to enter into 10-year contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation, as specified. Existing law provides a procedure to cancel a contract entered into under these provisions, and provides that the landowner and the Department of Conservation may agree on the cancellation value of the land.

Existing law requires cancellation fees, when they are required to be collected, to be transmitted by the county treasurer to the Controller and deposited in the General Fund, except the first \$2,536,000 of revenue paid to the Controller in the 2004–05 fiscal year, and any amount approved in the final Budget Act for each fiscal year thereafter, is required to be deposited in the Soil Conservation Fund, and as

otherwise specified. Existing law provides that the money in the Soil Conservation Fund is available, when appropriated by the Legislature, for specified programs and administrative costs.

This bill would provide that the money in the Soil Conservation Fund is available, upon appropriation by the Legislature, additionally for competitive grants and financial assistance to resource conservation districts to aid in the implementation of state programs or projects that improve soil conservation, carbon sequestration in soil, or moisture retention in soil, or other types of projects that improve the quality of agricultural and related land resources, subject to a specified condition. The bill would require the Department of Conservation to establish this competitive grant program.

~~Existing law requires the State Board of Forestry and Fire Protection to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each habitable structure on a parcel that is within a state responsibility area. Existing law requires the fee moneys to be expended, upon appropriation, in specified ways, including to reimburse the State Board of Equalization's expenses incurred in the collection of the fee and to the State Board of Forestry and Fire Protection and to the Department of Forestry and Fire Protection for administration purposes, with excess money being expended only for specified fire prevention activities, as provided.~~

~~Existing law, until January 31, 2017, requires the board to submit an annual written report to the Legislature on the status of the uses of the fee moneys.~~

~~This bill would continue that requirement until January 31, 2022.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 51283 of the Government Code is*
- 2 *amended to read:*
- 3 51283. (a) Prior to any action by the board or council giving
- 4 tentative approval to the cancellation of any contract, the county
- 5 assessor of the county in which the land is located shall determine
- 6 the current fair market value of the land as though it were free of
- 7 the contractual restriction. The assessor shall certify to the board
- 8 or council the cancellation valuation of the land for the purpose
- 9 of determining the cancellation fee. At the same time, the assessor

1 shall send a notice to the landowner and the Department of
2 Conservation indicating the current fair market value of the land
3 as though it were free of the contractual restriction and advise the
4 ~~parties, that~~ *parties that*, upon their request, the assessor shall
5 provide all information relevant to the valuation, excluding
6 third-party information. If any information is confidential or
7 otherwise protected from release, the department and the landowner
8 shall hold ~~it~~ *that information* as confidential and return or destroy
9 any protected information upon termination of all actions relating
10 to valuation or cancellation of the contract on the property. The
11 notice shall also advise the landowner and the department of the
12 opportunity to request formal review from the assessor.

13 (b) Prior to giving tentative approval to the cancellation of any
14 contract, the board or council shall determine and certify to the
15 county auditor the amount of the cancellation fee that the
16 landowner shall pay the county treasurer upon cancellation. That
17 fee shall be an amount equal to 12½ percent of the cancellation
18 valuation of the property.

19 (c) If it finds that it is in the public interest to do so, the board
20 or council may waive any payment or any portion of a payment
21 by the landowner, or may extend the time for making the payment
22 or a portion of the payment contingent upon the future use made
23 of the land and its economic return to the landowner for a period
24 of time not to exceed the unexpired period of the contract, had it
25 not been canceled, if all of the following occur:

26 (1) The cancellation is caused by an involuntary transfer or
27 change in the use ~~which~~ *that* may be made of the land and the land
28 is not immediately suitable, nor will be immediately used, for a
29 purpose ~~which~~ *that* produces a greater economic return to the
30 owner.

31 (2) The board or council has determined that it is in the best
32 interests of the program to conserve agricultural land use that the
33 payment be either deferred or is not required.

34 (3) The waiver or extension of time is approved by the Secretary
35 of the *Natural Resources Agency*. The secretary shall approve a
36 waiver or extension of time if the secretary finds that the granting
37 of the waiver or extension of time by the board or council is
38 consistent with the policies of this chapter and that the board or
39 council complied with this article. In evaluating a request for a
40 waiver or extension of time, the secretary shall review the findings

1 of the board or council, the evidence in the record of the board or
2 council, and any other evidence the secretary may receive
3 concerning the cancellation, waiver, or extension of time.

4 (d) The first two million five hundred thirty-six thousand dollars
5 (\$2,536,000) of revenue paid to the Controller pursuant to
6 subdivision (e) in the 2004–05 fiscal year, and any other amount
7 as approved in the final Budget Act for each fiscal year thereafter,
8 shall be deposited in the Soil Conservation Fund, which is
9 continued in existence. The money in the fund is available, ~~when~~
10 ~~appropriated upon appropriation~~ by the Legislature, for the support
11 of all of the following:

12 (1) The cost of the farmlands mapping and monitoring program
13 of the Department of Conservation pursuant to Section 65570.

14 (2) The soil conservation program identified in Section 614 of
15 the Public Resources Code.

16 (3) Program support costs of this chapter as administered by
17 the Department of Conservation.

18 (4) Program support costs incurred by the Department of
19 Conservation in administering the open-space subvention program
20 (Chapter 3 (commencing with Section 16140) of Part 1 of Division
21 4 of Title 2).

22 (5) The costs to the Department of Conservation for
23 administering Section 51250.

24 (6) *Competitive grants and financial assistance to resource*
25 *conservation districts pursuant to Section 10247 of the Public*
26 *Resources Code, subject to the condition specified in subdivision*
27 *(b) of Section 10247 of the Public Resources Code.*

28 (e) When cancellation fees required by this section are collected,
29 they shall be transmitted by the county treasurer to the Controller
30 and deposited in the General Fund, except as provided in
31 subdivision (d) of this section and subdivision (b) of Section 51203.
32 The funds collected by the county treasurer with respect to each
33 cancellation of a contract shall be transmitted to the Controller
34 within 30 days of the execution of a certificate of cancellation of
35 contract by the board or council, as specified in subdivision (b) of
36 Section 51283.4.

37 (f) It is the intent of the Legislature that fees paid to cancel a
38 contract do not constitute taxes but are payments that, when made,
39 provide a private benefit that tends to increase the value of the
40 property.

1 *SEC. 2. Section 10247 is added to the Public Resources Code,*
2 *to read:*

3 10247. (a) *The department shall establish a competitive grant*
4 *program to provide grants and financial assistance to resource*
5 *conservation districts to aid in the implementation of state*
6 *programs or projects that improve soil conservation, carbon*
7 *sequestration in soil, or moisture retention in soil, or other types*
8 *of projects that improve the quality of agricultural and related*
9 *land resources.*

10 (b) *Funding pursuant to paragraph (6) of subdivision (d) of*
11 *Section 51283 of the Government Code shall not be available for*
12 *purposes of subdivision (a) unless the programs and costs specified*
13 *in paragraphs (1) to (5), inclusive, of subdivision (d) of Section*
14 *51283 of the Government Code first receive all necessary funding.*

15 ~~SECTION 1. Section 4214 of the Public Resources Code is~~
16 ~~amended to read:~~

17 ~~4214. (a) Fire prevention fees collected pursuant to this chapter~~
18 ~~shall be expended, upon appropriation by the Legislature, as~~
19 ~~follows:~~

20 ~~(1) The State Board of Equalization shall retain moneys~~
21 ~~necessary for the payment of refunds pursuant to Section 4228 and~~
22 ~~reimbursement of the State Board of Equalization for expenses~~
23 ~~incurred in the collection of the fee.~~

24 ~~(2) The moneys collected, other than those retained by the State~~
25 ~~Board of Equalization pursuant to paragraph (1), shall be deposited~~
26 ~~into the State Responsibility Area Fire Prevention Fund, which is~~
27 ~~hereby created in the State Treasury, and shall be available to the~~
28 ~~board and the department to expend for fire prevention activities~~
29 ~~specified in subdivision (d) that benefit the owners of habitable~~
30 ~~structures within a state responsibility area who are required to~~
31 ~~pay the fire prevention fee. The amount expended to benefit the~~
32 ~~owners of habitable structures within a state responsibility area~~
33 ~~shall be commensurate with the amount collected from the owners~~
34 ~~within that state responsibility area. All moneys in excess of the~~
35 ~~costs of administration of the board and the department shall be~~
36 ~~expended only for fire prevention activities in counties with state~~
37 ~~responsibility areas.~~

38 ~~(b) The fund may also be used to cover the costs of~~
39 ~~administering this chapter.~~

~~(e) It is the intent of the Legislature that the moneys in this fund be fully appropriated to the board and the department each year in order to effectuate the purposes of this chapter.~~

~~(d) Moneys in the fund shall be used only for the following fire prevention activities, which shall benefit owners of habitable structures within the state responsibility areas who are required to pay the annual fire prevention fee pursuant to this chapter:~~

~~(1) Local assistance grants pursuant to subdivision (e).~~

~~(2) Grants to Fire Safe Councils, the California Conservation Corps, or certified local conservation corps for fire prevention projects and activities in the state responsibility areas.~~

~~(3) Grants to a qualified nonprofit organization with a demonstrated ability to satisfactorily plan, implement, and complete a fire prevention project applicable to the state responsibility areas. The department may establish other qualifying criteria.~~

~~(4) Inspections by the department for compliance with defensible space requirements around habitable structures in state responsibility areas as required by Section 4291.~~

~~(5) Public education to reduce fire risk in the state responsibility areas.~~

~~(6) Fire severity and fire hazard mapping by the department in the state responsibility areas.~~

~~(7) Other fire prevention projects in the state responsibility areas, authorized by the board.~~

~~(e) (1) The board shall establish a local assistance grant program for fire prevention activities designed to benefit habitable structures within state responsibility areas, including public education, that are provided by counties and other local agencies, including special districts, with state responsibility areas within their jurisdictions.~~

~~(2) In order to ensure an equitable distribution of funds, the amount of each grant shall be based on the number of habitable structures in state responsibility areas for which the applicant is legally responsible and the amount of moneys made available in the annual Budget Act for this local assistance grant program.~~

~~(f) By January 31, 2015, and annually thereafter, the board shall submit to the Legislature a written report on the status and uses of the fund pursuant to this chapter. The written report shall also include an evaluation of the benefits received by counties based on the number of habitable structures in state responsibility areas within their jurisdictions, the effectiveness of the board's grant~~

1 ~~programs, the number of defensible space inspections in the~~
2 ~~reporting period, the degree of compliance with defensible space~~
3 ~~requirements, measures to increase compliance, if any, and any~~
4 ~~recommendations to the Legislature.~~

5 ~~(g) (1) The requirement for submitting a report imposed under~~
6 ~~subdivision (f) is inoperative on January 31, 2022.~~

7 ~~(2) A report to be submitted pursuant to subdivision (f) shall be~~
8 ~~submitted in compliance with Section 9795 of the Government~~
9 ~~Code.~~

10 ~~(h) It is essential that this article be implemented without delay.~~
11 ~~To permit timely implementation, the department may contract~~
12 ~~for services related to the establishment of the fire prevention fee~~
13 ~~collection process. For this purpose only, and for a period not to~~
14 ~~exceed 24 months, the provisions of the Public Contract Code or~~
15 ~~any other provision of law related to public contracting shall not~~
16 ~~apply.~~